1 2	EDMUND G. BROWN JR., Attorney General of the State of California JAMES M. LEDAKIS	
3	Supervising Deputy Attorney General DIANE DE KERVOR, State Bar No. 174721	
	Deputy Attorney General	
4	110 West "A" Street, Suite 1100 San Diego, CA 92101	
5	P.O. Box 85266	
6 7	San Diego, CA 92186-5266 Telephone: (619) 645-2611 Facsimile: (619) 645-2061	
8	Attorneys for Complainant	
9	BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10		
11		
12	In the Matter of the Accusation Against:	Case No. 2009 - 115
13	JUDY ANN LISK 594 W. Hamilton, Unit A	ACCUSATION
14	Costa Mesa, CA 92627	
15	Registered Nurse License No. 476397	
16	Respondent.	
17		
18	Complainant alleges:	
19	<u>PARTIES</u>	
20	1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation	
21	solely in her official capacity as the Executive Officer of the Board of Registered Nursing	
22	("Board"), Department of Consumer Affairs.	
23	2. On or about March 31, 1992, the Board issued Registered Nurse License	
24	Number 476397 to Judy Ann Lisk ("Respondent"). Respondent's registered nurse license was in	
25	full force and effect at all times relevant to the charges brought herein and will expire on July 31,	
26	2009, unless renewed.	
27		
	///	

STATUTORY PROVISIONS

- 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
 - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct. . .
- (f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof. . .
 - 6. Code section 2765 states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a registered nurse is deemed to be a conviction within the meaning of this article. The board may order the license or certificate suspended or revoked, or may decline to issue a license or certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty; or dismissing the accusation, information or indictment.

///

26 ///

27 ///

28 ///

Cost Recovery

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(January 25, 2007 Criminal Conviction for Battery of a 13 Year Old Child on May 8, 2006)

- 8. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (f), in that she was convicted of a crime which is substantially related to the qualifications, functions, and duties of a registered nurse. On or about January 25, 2007, in the criminal proceeding titled *People v. Judy Ann Lisk* (Sup. Ct. Orange County, 2007, No. 06HM04735), Respondent was convicted by the Court of a violation of Penal Code section 242 (battery, a misdemeanor).
- 9. The circumstances of the crime are that on or about May 8, 2006, Respondent willfully and unlawfully used force and violence upon the person of M.A., a thirteen year old child who had previously been playing soccer with her friends in front of Respondent's residence. Respondent yelled at the children, who went into a neighboring home. When M.A. was later walking away with her friends, Respondent followed her, threw something at her, and then assaulted M.A.. Respondent pulled M.A.'s hair, scratched her face, dragged her to the ground, and threatened to kill her.

MATTERS IN AGGRAVATION

10. On or about April 19, 2006, the Board sent a letter to Respondent following its review of Respondent's August 30, 2004, conviction for a violation of Vehicle Code Section 23152, subdivision (a) (driving under the influence of alcohol/drugs with one

TO DESCRIPTION OF THE PROPERTY OF THE PROPERTY

1	prior) ¹ . The Board informed Respondent that it would not pursue disciplinary action against her	
2	license for the conviction; however, she was told that the complaint would be maintained in the	
3	Board's file for future reference.	
4	<u>PRAYER</u>	
5	WHEREFORE, Complainant requests that a hearing be held on the matters herein	
6.	alleged, and that following the hearing, the Board of Registered Nursing issue a decision:	
7	1. Revoking or suspending Registered Nurse License Number 476397, issued	
8	to Judy Ann Lisk;	
9	2. Ordering Judy Ann Lisk to pay the Board of Registered Nursing the	
10	reasonable costs of the investigation and enforcement of this case, pursuant to Code section	
11	125.3; and	
12	3. Taking such other and further action as deemed necessary and proper.	
13		
14	DATED: 11(24 108	
15		
16	RUTH ANN TERRY, M.P.H., R.N.	
17	Executive Officer Board of Registered Nursing	
18	Department of Consumer Affairs State of California	
19	Complainant	
20		
21		
22	SD200801394	
23	80304216.wpd	
24 25	RECIS'S TO STAND	
23 26	The LA to the go	
20 27		

^{1.} Respondent was previously convicted of a violation of Vehicle Code section 23152, subdivision (a), on or about January 7, 2000.